

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, recorded information and all other
7 documentary materials, regardless of physical form or
8 characteristics, having been prepared, or having been or
9 being used, received, possessed or under the control of any
10 public body. "Public records" includes, but is expressly not
11 limited to: (i) administrative manuals, procedural rules,
12 and instructions to staff, unless exempted by Section 7(p) of
13 this Act; (ii) final opinions and orders made in the
14 adjudication of cases, except an educational institution's
15 adjudication of student or employee grievance or disciplinary
16 cases; (iii) substantive rules; (iv) statements and
17 interpretations of policy which have been adopted by a public
18 body; (v) final planning policies, recommendations, and
19 decisions; (vi) factual reports, inspection reports, and
20 studies whether prepared by or for the public body; (vii) all
21 information in any account, voucher, or contract dealing with
22 the receipt or expenditure of public or other funds of public
23 bodies; (viii) the names, salaries, titles, and dates of
24 employment of all employees and officers of public bodies;
25 (ix) materials containing opinions concerning the rights of
26 the state, the public, a subdivision of state or a local
27 government, or of any private persons; (x) the name of every
28 official and the final records of voting in all proceedings
29 of public bodies; (xi) applications for any contract, permit,
30 grant, or agreement except as exempted from disclosure by
31 subsection (g) of Section 7 of this Act; (xii) each report,
32 document, study, or publication prepared by independent
33 consultants or other independent contractors for the public
34 body; (xiii) all other information required by law to be made

1 available for public inspection or copying; (xiv) information
2 relating to any grant or contract made by or between a public
3 body and another public body or private organization; (xv)
4 waiver documents filed with the State Superintendent of
5 Education or the president of the University of Illinois
6 under Section 30-12.5 of the School Code, concerning nominees
7 for General Assembly scholarships under Sections 30-9, 30-10,
8 and 30-11 of the School Code; (xvi) complaints, results of
9 complaints, and Department of Children and Family Services
10 staff findings of licensing violations at day care
11 facilities, provided that personal and identifying
12 information is not released; and (xvii) records, reports,
13 forms, writings, letters, memoranda, books, papers, and other
14 documentary information, regardless of physical form or
15 characteristics, having been prepared, or having been or
16 being used, received, possessed, or under the control of the
17 Illinois Sports Facilities Authority dealing with the receipt
18 or expenditure of public funds or other funds of the
19 Authority in connection with the reconstruction, renovation,
20 remodeling, extension, or improvement of all or substantially
21 all of an existing "facility" as that term is defined in the
22 Illinois Sports Facilities Authority Act. Venture capital and
23 private equity portfolio information and data held by a
24 public body, including public pension funds, shall be
25 considered confidential and not a public record.

26 (d) "Copying" means the reproduction of any public
27 record by means of any photographic, electronic, mechanical
28 or other process, device or means.

29 (e) "Head of the public body" means the president,
30 mayor, chairman, presiding officer, director, superintendent,
31 manager, supervisor or individual otherwise holding primary
32 executive and administrative authority for the public body,
33 or such person's duly authorized designee.

34 (f) "News media" means a newspaper or other periodical

1 issued at regular intervals whether in print or electronic
2 format, a news service whether in print or electronic format,
3 a radio station, a television station, a television network,
4 a community antenna television service, or a person or
5 corporation engaged in making news reels or other motion
6 picture news for public showing.

7 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
8 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
9 7-11-02.)

10 (5 ILCS 140/7) (from Ch. 116, par. 207)

11 Sec. 7. Exemptions.

12 (1) The following shall be exempt from inspection and
13 copying:

14 (a) Information specifically prohibited from
15 disclosure by federal or State law or rules and
16 regulations adopted under federal or State law.

17 (b) Information that, if disclosed, would
18 constitute a clearly unwarranted invasion of personal
19 privacy, unless the disclosure is consented to in writing
20 by the individual subjects of the information. The
21 disclosure of information that bears on the public duties
22 of public employees and officials shall not be considered
23 an invasion of personal privacy. Information exempted
24 under this subsection (b) shall include but is not
25 limited to:

26 (i) files and personal information maintained
27 with respect to clients, patients, residents,
28 students or other individuals receiving social,
29 medical, educational, vocational, financial,
30 supervisory or custodial care or services directly
31 or indirectly from federal agencies or public
32 bodies;

33 (ii) personnel files and personal information

1 maintained with respect to employees, appointees or
2 elected officials of any public body or applicants
3 for those positions;

4 (iii) files and personal information
5 maintained with respect to any applicant, registrant
6 or licensee by any public body cooperating with or
7 engaged in professional or occupational
8 registration, licensure or discipline;

9 (iv) information required of any taxpayer in
10 connection with the assessment or collection of any
11 tax unless disclosure is otherwise required by State
12 statute; and

13 (v) information revealing the identity of
14 persons who file complaints with or provide
15 information to administrative, investigative, law
16 enforcement or penal agencies; provided, however,
17 that identification of witnesses to traffic
18 accidents, traffic accident reports, and rescue
19 reports may be provided by agencies of local
20 government, except in a case for which a criminal
21 investigation is ongoing, without constituting a
22 clearly unwarranted per se invasion of personal
23 privacy under this subsection.

24 (c) Records compiled by any public body for
25 administrative enforcement proceedings and any law
26 enforcement or correctional agency for law enforcement
27 purposes or for internal matters of a public body, but
28 only to the extent that disclosure would:

29 (i) interfere with pending or actually and
30 reasonably contemplated law enforcement proceedings
31 conducted by any law enforcement or correctional
32 agency;

33 (ii) interfere with pending administrative
34 enforcement proceedings conducted by any public

1 body;

2 (iii) deprive a person of a fair trial or an
3 impartial hearing;

4 (iv) unavoidably disclose the identity of a
5 confidential source or confidential information
6 furnished only by the confidential source;

7 (v) disclose unique or specialized
8 investigative techniques other than those generally
9 used and known or disclose internal documents of
10 correctional agencies related to detection,
11 observation or investigation of incidents of crime
12 or misconduct;

13 (vi) constitute an invasion of personal
14 privacy under subsection (b) of this Section;

15 (vii) endanger the life or physical safety of
16 law enforcement personnel or any other person; or

17 (viii) obstruct an ongoing criminal
18 investigation.

19 (d) Criminal history record information maintained
20 by State or local criminal justice agencies, except the
21 following which shall be open for public inspection and
22 copying:

23 (i) chronologically maintained arrest
24 information, such as traditional arrest logs or
25 blotters;

26 (ii) the name of a person in the custody of a
27 law enforcement agency and the charges for which
28 that person is being held;

29 (iii) court records that are public;

30 (iv) records that are otherwise available
31 under State or local law; or

32 (v) records in which the requesting party is
33 the individual identified, except as provided under
34 part (vii) of paragraph (c) of subsection (1) of

1 this Section.

2 "Criminal history record information" means data
3 identifiable to an individual and consisting of
4 descriptions or notations of arrests, detentions,
5 indictments, informations, pre-trial proceedings, trials,
6 or other formal events in the criminal justice system or
7 descriptions or notations of criminal charges (including
8 criminal violations of local municipal ordinances) and
9 the nature of any disposition arising therefrom,
10 including sentencing, court or correctional supervision,
11 rehabilitation and release. The term does not apply to
12 statistical records and reports in which individuals are
13 not identified and from which their identities are not
14 ascertainable, or to information that is for criminal
15 investigative or intelligence purposes.

16 (e) Records that relate to or affect the security
17 of correctional institutions and detention facilities.

18 (f) Preliminary drafts, notes, recommendations,
19 memoranda and other records in which opinions are
20 expressed, or policies or actions are formulated, except
21 that a specific record or relevant portion of a record
22 shall not be exempt when the record is publicly cited and
23 identified by the head of the public body. The exemption
24 provided in this paragraph (f) extends to all those
25 records of officers and agencies of the General Assembly
26 that pertain to the preparation of legislative documents.

27 (g) Trade secrets and commercial or financial
28 information obtained from a person or business where the
29 trade secrets or information are proprietary, privileged
30 or confidential, or where disclosure of the trade secrets
31 or information may cause competitive harm, including all
32 information determined to be confidential under Section
33 4002 of the Technology Advancement and Development Act.
34 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure. Venture capital and private equity
3 portfolio information and data held by any public body,
4 including public pension funds, which under subsection
5 (c) of Section 2 of this Act is confidential and not a
6 public record, is considered to be financial information
7 under this subsection (g). Nothing in this subsection
8 (g), however, shall be construed to exempt from
9 inspection and copying the aggregate financial
10 performance of a venture capital or private equity firm.

11 (h) Proposals and bids for any contract, grant, or
12 agreement, including information which if it were
13 disclosed would frustrate procurement or give an
14 advantage to any person proposing to enter into a
15 contractor agreement with the body, until an award or
16 final selection is made. Information prepared by or for
17 the body in preparation of a bid solicitation shall be
18 exempt until an award or final selection is made.

19 (i) Valuable formulae, computer geographic systems,
20 designs, drawings and research data obtained or produced
21 by any public body when disclosure could reasonably be
22 expected to produce private gain or public loss.

23 (j) Test questions, scoring keys and other
24 examination data used to administer an academic
25 examination or determined the qualifications of an
26 applicant for a license or employment.

27 (k) Architects' plans and engineers' technical
28 submissions for projects not constructed or developed in
29 whole or in part with public funds and for projects
30 constructed or developed with public funds, to the extent
31 that disclosure would compromise security.

32 (l) Library circulation and order records
33 identifying library users with specific materials.

34 (m) Minutes of meetings of public bodies closed to

1 the public as provided in the Open Meetings Act until the
2 public body makes the minutes available to the public
3 under Section 2.06 of the Open Meetings Act.

4 (n) Communications between a public body and an
5 attorney or auditor representing the public body that
6 would not be subject to discovery in litigation, and
7 materials prepared or compiled by or for a public body in
8 anticipation of a criminal, civil or administrative
9 proceeding upon the request of an attorney advising the
10 public body, and materials prepared or compiled with
11 respect to internal audits of public bodies.

12 (o) Information received by a primary or secondary
13 school, college or university under its procedures for
14 the evaluation of faculty members by their academic
15 peers.

16 (p) Administrative or technical information
17 associated with automated data processing operations,
18 including but not limited to software, operating
19 protocols, computer program abstracts, file layouts,
20 source listings, object modules, load modules, user
21 guides, documentation pertaining to all logical and
22 physical design of computerized systems, employee
23 manuals, and any other information that, if disclosed,
24 would jeopardize the security of the system or its data
25 or the security of materials exempt under this Section.

26 (q) Documents or materials relating to collective
27 negotiating matters between public bodies and their
28 employees or representatives, except that any final
29 contract or agreement shall be subject to inspection and
30 copying.

31 (r) Drafts, notes, recommendations and memoranda
32 pertaining to the financing and marketing transactions of
33 the public body. The records of ownership, registration,
34 transfer, and exchange of municipal debt obligations, and

1 of persons to whom payment with respect to these
2 obligations is made.

3 (s) The records, documents and information relating
4 to real estate purchase negotiations until those
5 negotiations have been completed or otherwise terminated.
6 With regard to a parcel involved in a pending or actually
7 and reasonably contemplated eminent domain proceeding
8 under Article VII of the Code of Civil Procedure,
9 records, documents and information relating to that
10 parcel shall be exempt except as may be allowed under
11 discovery rules adopted by the Illinois Supreme Court.
12 The records, documents and information relating to a real
13 estate sale shall be exempt until a sale is consummated.

14 (t) Any and all proprietary information and records
15 related to the operation of an intergovernmental risk
16 management association or self-insurance pool or jointly
17 self-administered health and accident cooperative or
18 pool.

19 (u) Information concerning a university's
20 adjudication of student or employee grievance or
21 disciplinary cases, to the extent that disclosure would
22 reveal the identity of the student or employee and
23 information concerning any public body's adjudication of
24 student or employee grievances or disciplinary cases,
25 except for the final outcome of the cases.

26 (v) Course materials or research materials used by
27 faculty members.

28 (w) Information related solely to the internal
29 personnel rules and practices of a public body.

30 (x) Information contained in or related to
31 examination, operating, or condition reports prepared by,
32 on behalf of, or for the use of a public body responsible
33 for the regulation or supervision of financial
34 institutions or insurance companies, unless disclosure is

1 otherwise required by State law.

2 (y) Information the disclosure of which is
3 restricted under Section 5-108 of the Public Utilities
4 Act.

5 (z) Manuals or instruction to staff that relate to
6 establishment or collection of liability for any State
7 tax or that relate to investigations by a public body to
8 determine violation of any criminal law.

9 (aa) Applications, related documents, and medical
10 records received by the Experimental Organ
11 Transplantation Procedures Board and any and all
12 documents or other records prepared by the Experimental
13 Organ Transplantation Procedures Board or its staff
14 relating to applications it has received.

15 (bb) Insurance or self insurance (including any
16 intergovernmental risk management association or self
17 insurance pool) claims, loss or risk management
18 information, records, data, advice or communications.

19 (cc) Information and records held by the Department
20 of Public Health and its authorized representatives
21 relating to known or suspected cases of sexually
22 transmissible disease or any information the disclosure
23 of which is restricted under the Illinois Sexually
24 Transmissible Disease Control Act.

25 (dd) Information the disclosure of which is
26 exempted under Section 30 of the Radon Industry Licensing
27 Act.

28 (ee) Firm performance evaluations under Section 55
29 of the Architectural, Engineering, and Land Surveying
30 Qualifications Based Selection Act.

31 (ff) Security portions of system safety program
32 plans, investigation reports, surveys, schedules, lists,
33 data, or information compiled, collected, or prepared by
34 or for the Regional Transportation Authority under

1 Section 2.11 of the Regional Transportation Authority Act
2 or the St. Clair County Transit District under the
3 Bi-State Transit Safety Act.

4 (gg) Information the disclosure of which is
5 restricted and exempted under Section 50 of the Illinois
6 Prepaid Tuition Act.

7 (hh) Information the disclosure of which is
8 exempted under Section 80 of the State Gift Ban Act.

9 (ii) Beginning July 1, 1999, information that would
10 disclose or might lead to the disclosure of secret or
11 confidential information, codes, algorithms, programs, or
12 private keys intended to be used to create electronic or
13 digital signatures under the Electronic Commerce Security
14 Act.

15 (jj) Information contained in a local emergency
16 energy plan submitted to a municipality in accordance
17 with a local emergency energy plan ordinance that is
18 adopted under Section 11-21.5-5 of the Illinois Municipal
19 Code.

20 (kk) Information and data concerning the
21 distribution of surcharge moneys collected and remitted
22 by wireless carriers under the Wireless Emergency
23 Telephone Safety Act.

24 (2) This Section does not authorize withholding of
25 information or limit the availability of records to the
26 public, except as stated in this Section or otherwise
27 provided in this Act.

28 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
29 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
30 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
31 eff. 7-11-02.)".